

STATE PERSONNEL BOARD AGENDA



DECEMBER 16, 2008

SACRAMENTO, CA



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



MEMORANDUM

DATE: December 4, 2008

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Office

SUBJECT: Notice and Agenda for the December 16, 2008, Meeting of the State Personnel Board

PLEASE TAKE NOTICE that on December 16, 2008, at the offices of the California State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in open sessions are open to those interested in attending. Interested members of the public who wish to address the Board on an open session item may request the opportunity to do so.

Should you have questions or wish to obtain a copy of any materials related to items considered in the open sessions, please visit the SPB website at www.spb.ca.gov or contact staff in the Secretariat's Office via mail at State Personnel Board, 801 Capitol Mall, Room 570, Sacramento, California 95814 or by calling (916) 653-1028.

Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



BOARD MEETING – DECEMBER 16, 2008 ¹

**9:00 a.m. – 12:00 p.m.
(Or upon completion of business)**

ALL TIMES ARE APPROXIMATE

Public and Closed Session Location

801 Capitol Mall, Room 150
Sacramento, CA 95814

¹ Sign Language Interpreter will be provided for Board Meeting upon request – contact Secretariat at (916) 653-1028.

OPEN SESSION OF THE STATE PERSONNEL BOARD

9:00 a.m.

1. **ROLL CALL**
2. **REPORT OF THE EXECUTIVE OFFICER**
- Suzanne M. Ambrose
3. **REPORT OF THE ACTING CHIEF COUNSEL**
- Bruce Monfross
4. **REPORT ON LEGISLATION**
- Carol Ong
5. **DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR JANUARY 14, 2009, IN SACRAMENTO, CALIFORNIA.**
6. **NEW BUSINESS**
Items may be raised by Board Members for scheduling and discussion for future meetings.
7. **PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA**

9:05 a.m.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

8. **EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**
Deliberations to consider matters submitted at prior hearing.
[Government Code Sections 11126(c)(3), 18653(3)]
9. **DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**
Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.
[Government Code sections 11126(c)(3), 18653]
10. **PENDING LITIGATION**
Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1), 18653.]

California Highway Patrol, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.

Sacramento Superior Court

Case No. 34-2007-00883875-CU-WM-GDS

Patrick McCollum v. State of California

United States District Court, Northern District of California

Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 TEH

11. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the Legislature.

[Government Code section 18653]

12. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.

[Government Code section 18653]

13. EMPLOYEE PERSONNEL MATTER

Discussion concerning the appointment and employment of Chief

Counsel candidates. [Government Code section 11126(a)(1)]

10:00 a.m.

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

BOARD ACTIONS:

14. RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1

15. SUBMITTED ITEMS

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

A. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S PROPOSED ESTABLISHMENT OF NEW CLASS, MENTAL HEALTH THERAPIST

Department of Corrections and Rehabilitation proposed the establishment of a new class, Mental Health Therapist, Correctional Facility, with a twelve month probationary period and designation of the class as sensitive under State Personnel Board Rule 213 for the purpose of pre-employment drug testing.

B. STATE EMPLOYEE MEDIATION PROGRAM

SPB Staff presented different options for administering the State Employee Mediation Program in light of resource limitations. Interested parties were invited to comment. Staff will meet with Stakeholders to obtain additional input and report back to the Board.

C. RECEIVER'S REQUEST FOR DELEGATION AND MODIFICATION TO PROCESSES

The Receiver's Office requested the Board delegate several classification functions to the Receiver's Office, subject to Board audit, and requested the Board approve revised procedures for reviewing examination and classification requests submitted by the Receiver's Office.

D. CAREER EXECUTIVE ASSIGNMENT (CEA) REGULATIONS

A public hearing was conducted to provide interested parties an opportunity to address the Board concerning whether the Board should promulgate regulations that address the following issues:

1. Should CEA be defined as a single classification or separate classifications based on pay band?
2. Should an examination be required for CEA realignments "in place"?
3. Should an examination be required to transfer an incumbent CEA to a different CEA position at a higher level regardless of the appointing authority?

E. LIMITED THREE-RANKS PILOT PROJECT: REQUEST TO ADD A CLASS TO THE PILOT PROJECT

On November 3, 2008, a hearing was held during which the Department of Education requested the addition of the class of Education Programs Consultant to the Three-Rank Eligible List Pilot Study. This hearing allowed interested parties to provide information to the Board regarding subsequent interaction between the Department and SEIU, the exclusive representative for the classification.

F. PERSONAL SERVICES CONTRACT NO. 08-11

Appeal of the Department of Motor Vehicles from the Executive Officer's August 11, 2008, Decision disapproving a Personal Services Contract for Information Technology Services.

16. EVIDENTIARY CASES

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

(1) CASE NO. 06-2706PA

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted April 7, 2008.

Transcript prepared.

Oral argument set for August 8, 2008, Sacramento.

Oral argument continued.

Oral argument set for October 3, 2008, Sacramento.

Oral argument continued.

Oral argument heard November 3, 2008, Sacramento.

Case ready for decision by FULL Board.

(2) CASE NO. 06-2737PA

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted April 22, 2008.

Transcripts prepared.

Oral argument set for August 8, 2008, Sacramento.

Oral argument continued.

Oral argument set for October 3, 2008, Sacramento.

Oral argument continued.

Oral argument heard November 3, 2008, Sacramento.

Case ready for decision by FULL Board.

B. ORAL ARGUMENTS

These cases will be argued at this meeting or will be considered by the Board in closed session based on written arguments submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS, REMANDS, STIPULATIONS, OTHER

(1) CASE NO. 07-0320

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation
Request for Order to Show Cause

D. ADMINISTRATIVE LAW JUDGES' PROPOSED DECISIONS

The Board Administrative Law Judges (ALJ) conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

PROPOSED DECISIONS AFTER HEARING

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) CASE NO. 06-3027**
Appeal from dismissal
Classification: Associate Management Auditor
Department: Department of Conservation
- (2) CASE NO. 04-2605, CASE NO. 04-2614, CASE NO. 04-2606, CASE NO. 04-2607, CASE NO. 04-2608, CASE NO. 04-2611**
Appeals from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (3) CASE NO. 07-1359**
Appeal from rejection during probation
Classification: Investigator I, ABC
Department: Department of Alcoholic Beverage Control
- (4) CASE NO. 07-3302**
Appeal from dismissal
Classification: Custodian
Department: Department of General Services
- (5) CASE NO. 08-2662**
Appeal from four months suspension
Classification: Office Assistant (General)
Department: Board of Equalization
- (6) CASE NO. 05-0627B**
Appeal for back pay
Classification: Field Examiner III
Department: Agricultural Labor Relations Board

- (7) **CASE NO. 04-2610, CASE NO. 04-2609**
Appeals from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (8) **CASE NO. 07-2425**
Appeal from official reprimand
Classification: Program Lieutenant
Department: Department of Corrections and Rehabilitation
- (9) **CASE NO. 08-1129E**
Appeal for discrimination complaint
Classification: Chief Medical Officer, CF
Department: Department of Corrections and Rehabilitation
- (10) **CASE NO. 06-3635**
Appeal from demotion
Classification: State Park Superintendent I
Department: Department of Parks and Recreation
- (11) **CASE NO. 07-1073**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
- (12) **CASE NO. 07-4009**
Appeal from dismissal
Classification: Social Worker II
Department: County of Imperial, Department of Social Services

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

- (13) **CASE NO. 08-4477**
Appeal from five days suspension
Classification: Officer
Department: Department of California Highway Patrol

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

E. PETITIONS FOR REHEARING

- (1) **CASE NO. 08-3133NP**
Appeal for merit issue complaint
Classification: Tax Technician, FTB
Department: Franchise Tax Board
- (2) **CASE NO. 07-0903P**
Appeal from dismissal
Classification: Chief of Protective Services
Department: Department of Mental Health
- (3) **CASE NO. 05-3312BP**
Appeal for Back Pay
Classification: Correctional Captain
Department: Department of Corrections and Rehabilitation

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **CASE NO. 07-3421PA**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted October 21, 2008.
Transcript prepared.
- (2) **CASE NOS. 05-4338EA & 05-4339A**
Appeal from denial of reasonable accommodation and constructive medical termination
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation
Proposed decision rejected September 23, 2008.
Transcripts prepared.
Oral argument set for December 2, 2008, San Francisco.
Oral argument continued.

- (3) **CASE NO. 08-0440A**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted October 21, 2008.
Transcript prepared.
- (4) **CASE NO. 07-1749PA**
Appeal from automatic resignation
Classification: Youth Correctional Officer (Permanent-Intermittent)
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted October 21, 2008.
Transcript prepared.
- (5) **CASE NO. 07-3873PA**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted October 21, 2008.
Pending transcript.

17. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 08-0772N**
Classification: Youth Correctional Officer/Youth Correctional Counselor
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and negative law enforcement contacts.

- (2) **CASE NO. 08-0229N**
Classification: Correctional Officer/Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
- (3) **CASE NO. 08-0422N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to disclose pertinent information; felony convictions
- (4) **CASE NO. 08-1026N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and negative law enforcement contacts.
- (5) **CASE NO. 07-5421N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to disclose pertinent information.
- (6) **CASE NO. 08-1153N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; firearms prohibition.
- (7) **CASE NO. 07-3673N**
Classification: Youth Correctional Officer/Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to register with the Selective Service System.
- (8) **CASE NO. 08-0315N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; DUI conviction within five years of application.

- (9) **CASE NO. 07-4793N**
Classification: Youth Correctional Counselor
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; DUI conviction within five years of application.
- (10) **CASE NO. 07-4672N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting of pertinent information, furnishing inaccurate information and negative employment history.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

CASES HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 06-3436N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- (2) **CASE NO. 07-1039N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- (3) **CASE NO. 06-2700N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- (4) **CASE NO. 06-4751N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- (5) **CASE NO. 07-0245N**
Classification: Cadet
Department: California Highway Patrol
- (6) **CASE NO. 08-0231N**

Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation

- (7) **CASE NO. 07-1607N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- (8) **CASE NO. 06-3417N**
Classification: Cadet
Department: California Highway Patrol
- (9) **CASE NO. 06-3618N**
Classification: Cadet
Department: California Highway Patrol

**C. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT
ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

**D. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS,
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

RULE 211

- (1) **CASE NO. 07-0718N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation

RULE 212

NONE

VOIDED APPOINTMENT

NONE

E. REQUEST TO FILE CHARGES CASES, PETITION FOR REHEARING

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

REQUEST TO FILE CHARGES CASES

NONE

18. NON-HEARING AGENDA

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing. Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII of the California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend that the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

(1) PRODUCT ENGINEERING TECHNICIAN, PRISON INDUSTRIES AND ASSOCIATE PRODUCT ENGINEER, PRISON INDUSTRIES

The California Prison Industry Authority proposes to revise the Minimum Qualifications for the classes of Product Engineering Technician, Prison Industries and Associate Product Engineer, Prison Industries to modify the amount of qualifying experience and educational requirement currently required for the two classes.

(2) DEPUTY LABOR COMMISSIONER I, II, III, AND IV

The Department of Industrial Relations proposes to revise the minimum qualifications of the existing classes of Deputy Labor Commissioner I, II, III, and IV.

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD proposes to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

C. BACKDATE OF APPOINTMENTS

State Personnel Board staff proposes the adoption of the following matters in which departments have requested an employee be appointed retroactively to a position. Staff has reviewed the following requests and has advised the Board of recommended action.

NONE

19. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions. The first section lists position actions that have been proposed and are currently under consideration. Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Consulting Services Division of the State Personnel Board, and the department proposing the action. To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication. In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board. The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) DIRECTOR, POLICY AND REGULATIONS, CORRECTIONS SERVICES

California Prison Health Care Services proposes to allocate the above position to the CEA category. The Director, Policy and Regulations, Corrections Services, will develop and implement new policies, procedures, protocols, and regulations to carry out the Receiver's objectives as described in the Turnaround Plan of Action. This position will also develop policies and regulations in response to new court orders, legislation, and new development reform efforts.

(2) CHIEF, OFFICE OF WORKFORCE PLANNING AND SELECTION

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief, Office of Workforce Planning and Selection serves as the Department's principle policy advisor, and will ensure consistency and uniformity in the formulation, implementation, and evaluation of Departmental policies and programs relating to recruitment services, selection, employee development/mentoring, knowledge transfer, and succession management.

programs in accordance with the Department's mission, strategic plan, and court-ordered mandates.

(3) DEPUTY DISTRICT DIRECTOR, ADMINISTRATION, DISTRICT 4

The Department of Transportation proposes to allocate the above position to the CEA category. This position will develop and implement policies for the District 4 Offices of Budgets, Business Management, and Health, Safety, and Training. The position will also establish a district-level plan of action based on the Department's strategic plan, in order to meet the Department's goals and objectives.

(4) DEPUTY DISTRICT DIRECTOR, ADMINISTRATION, DISTRICT 7

The Department of Transportation proposes to allocate the above position to the CEA category. This position will develop and implement policies for the District 7 Offices of Budgets, Business Management, and Health, Safety, and Training. The position will also establish a district-level plan of action based on the Department's strategic plan, in order to meet the Department's goals and objectives.

(5) EXECUTIVE DIRECTOR

The State Water Resources Control Board proposes to allocate the above position to the CEA category. The Executive Director is the highest-level executive position under the broad policy guidance of the State Water Board, and has a decisive role in policy-making decisions and carrying out all policy guidance of the State Water Board.

(6-14) EXECUTIVE OFFICER, REGIONAL WATER QUALITY CONTROL BOARD, REGIONS 1-9

The State Water Resources Control Board proposes to allocate the above nine positions to the CEA category. The Regional Executive Officers are the highest-level executive positions under the general direction of the nine California Regional Water Quality Control Boards, and have a decisive role in policy-making decisions and carrying out all policy, planning, regulatory and enforcement activities of the Regional Water Board Offices and staff.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS
TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

(1) SENIOR VICE PRESIDENT OF MARKETING

The California State Compensation Insurance Fund's request to allocate the above position to the CEA category has been approved effective November 21, 2008.

(2) ASSISTANT DEPUTY DIRECTOR OF OPERATIONS

The California Lottery's request to allocate the above position to the CEA category has been approved effective November 21, 2008.

(3) DIRECTOR, HUMAN RESOURCES

The California Department of Corrections and Rehabilitation, Plata Medical Services' request to allocate the above position to the CEA category has been approved effective November 21, 2008.

(4) SPECIAL ASSISTANT TO THE SECRETARY

The California Department of Corrections and Rehabilitation's request to allocate the above position to the CEA category has been approved effective November 21, 2008.

(5) CHIEF, MEDI-CAL DENTAL SERVICES DIVISION

The Department of Health Care Services' request to allocate the above position to the CEA category has been approved effective November 21, 2008.

**(6) CHIEF, FISCAL INTERMEDIARY AND CONTRACTS
OVERSIGHT DIVISION**

The Department of Health Care Services' request to allocate the above position to the CEA category has been approved effective November 21, 2008.

(7) CHIEF, CASE RECORDS SERVICES

The California Department of Corrections and Rehabilitation's request to allocate the above position to the CEA category has been approved effective November 21, 2008.

ADJOURNMENT

DEPARTMENT OF PERSONNEL ADMINISTRATION**CLASSIFICATION AND COMPENSATION DIVISION**

1515 "S" STREET, NORTH BUILDING, SUITE 400
SACRAMENTO, CA 95814-7243



DATE: December 16, 2008

TO: STATE PERSONNEL BOARD

FROM: SARA HULL, Staff Personnel Program Analyst
Department of Personnel Administration

REVIEWED BY: BELINDA COLLINS, Chief, Classification and Compensation Division
Department of Personnel Administration

SUBJECT: Specification Revisions for Product Engineering Technician, Prison
Industries and Associate Product Engineer, Prison Industries Classes

SUMMARY OF ISSUES:

The California Prison Industry Authority (PIA) requests modification of the Minimum Qualifications for the classes of Product Engineering Technician, Prison Industries (PET) and Associate Product Engineer, Prison Industries (APE) to modify the amount of qualifying experience and educational requirement currently required for the two classes. Due to difficulties PIA is experiencing in finding candidates to meet the experience and/or education to qualify to participate in the examination process for the PET and APE classifications.

CONSULTED WITH:

DAN KNIPP, Chief, Human Resources, PIA
DEBBIE LANGSTAFF, Associate Personnel Analyst, PIA
DEBBIE TRUE, Labor Relations Officer, DPA
FRANK MARR, Labor Relations Officer, DPA

In accordance with the terms of the DPA/IUOE and PEGC contracts, the Department of Personnel Administration has notified the union in writing of this proposal.

CLASSIFICATION CONSIDERATIONS:

Please see attached.

RECOMMENDATIONS:

That the proposed, revised specifications for the classes of Product Engineering Technician, Prison Industries and Associate Product Engineer, Prison Industries as shown in this calendar be adopted.

B. CLASSIFICATION CONSIDERATIONS

PRODUCT ENGINEERING, PRISON INDUSTRIES AND ASSOCIATE PRODUCT ENGINEER, PRISON INDUSTRIES

BACKGROUND

- 1. Provide some historical perspective about the organizational setting of the subject classes and the needs that this request addresses.*

California Prison Industry Authority (CALPIA) is requesting approval to change the minimum qualification requirement for the Associate Product Engineer, Prison Industries (APE), and the Product Engineering Technician, Prison Industries (PET). These positions are responsible for developing and designing all metal and wood products manufactured by CALPIA.

Recruitment for these classifications has been difficult due to the minimum qualifications requirement that these positions have experience in office furniture design or engineering. The purpose of this request is to modify the minimum qualifications of the PET to enable Student Assistants, who are basically performing the duties of a PET, to qualify for the PET exam upon completion of the required experience. The APE classification has been changed to reduce the amount of required work experience needed to qualify. These changes will provide CALPIA with more qualified applicants seeking an extended career with CALPIA.

PRODUCT ENGINEERING TECHNICIAN, PRISON INDUSTRIES

The PET examination was administered in August of 1999. Advertisements were placed in Modern Woodworking magazine, Sacramento Bee, and the Los Angeles Times for a total of \$3753.32. Out of the seventeen applications received, only three were accepted into the exam. Of the three scheduled for the exam interview, only two candidates appeared and attained list eligibility with a list date of October 20, 1999. The rejected candidates included two Student Assistants who were employed in the Engineering Unit and were lacking one year and six months of experience in order to meet the minimum qualifications. The majority of the rejected candidates had the degree in mechanical engineering but lacked the three years of product drafting and design work in a wood or metal products manufacturing enterprise in wood or metal office furniture production. There has not been an appointment to a PET position since 1996. The vacancy was advertised as a TAU in 2006; however there were no applicants who met the minimum qualifications.

ASSOCIATE PRODUCT ENGINEER, PRISON INDUSTRIES

The APE examination was conducted in August of 1998, and attempted in August of 2005, and June of 2007. The examination conducted in August of 1998 with a list date of September 1, 1998 had three applicants. All three were admitted into the examination and subsequently all three were hired. Two of the

candidates that were hired are still employed by CALPIA in this classification. The bulletin was released again in 2005 with a final filing date of August 1, 2005. It was advertised in several newspapers at a cost of \$1932. A total of four applications were received. None of the candidates met the minimum qualifications. Three of the candidates indicated that they possessed a Bachelors degree in Mechanical Engineering and one candidate possessed a certificate in Engineering Design. Included in the three was a candidate who was a Student Assistant employed in CALPIA'S Engineering Unit. He had the degree, but only 13 months of qualifying experience. All of the candidates lacked the three years of wood or metal furniture design or engineering experience using computer-aided drafting and design methods. The exam was subsequently cancelled.

In February of 2007, a new APE position was created and recruitment began to fill the vacancy. One applicant met the minimum qualifications and was hired as a TAU assignment since there was no eligible list. On May 11, 2007 the bulletin was released with a final filing date of June 11, 2007. Eleven applications were received, seven of which the candidates indicated a degree or certificate in Mechanical Engineering or Engineering Design. One of the candidates, a Student Assistant, who currently works in the Engineering Unit at CALPIA, was sixteen months short of meeting the education requirement. Only the TAU candidate had the required experience necessary to qualify for the exam. However, the TAU candidate's assignment was terminated due to unsatisfactory work performance, which left no applicants for the exam. The exam was then canceled and the position remains vacant.

SUMMARY

CALPIA is experiencing difficulty in recruiting qualified applicants for both the Product Engineering Technician and the Associate Product Engineer classifications. The modification of the minimum qualifications will benefit CALPIA by expanding the candidate pool without compromising the knowledge and skills required to do the job. Ultimately, this will result in the establishment of eligible lists comprised of well qualified individuals. By CALPIA gaining the ability to fill vacant engineering positions, it will result in the development of new products as well as the enhancement of the design and functions of existing products.

CLASSIFICATION CONSIDERATIONS

2. What classification(s) does the subject classes report to?

The Associate Product Engineer, P.I. and the Product Engineering Technician, P.I. both report to the Branch Manager (CEA).

3. Will the subject classes supervise? If so, what classes?

These classes do not supervise. However, they may act in a lead capacity over Student Assistants and Inmates.

4. What are the specific duties of the subject classes?

Under the direction of the Branch Manager, Operations Division, the Associate Product Engineer, Prison Industries prepares and/or leads the development, component design or modification of new and existing products and product lines; performs analytical work and production planning and analysis as it pertains to existing blue prints, and utilizes Computer Aided Drafting (AUTOCAD), produces a variety of drawings which includes: lines drawings; isometric drawings and production ready drawings and blueprints, and reviews product and testing specifications and coordinates product testing. Lead and train inmate technicians.

Engineers and coordinates the engineering of products and product lines; acts in a lead capacity in the design of complex jobs; prepares and oversees the preparation of shop drawings; consults with production specialists to coordinate engineering specification with production capability; evaluates product, quality and improvements; research's new materials and manufacturing and finishing techniques and value engineers products; maintains electronic drafting systems and files; monitors design trends, and consults with marketing on product and furniture system designs, finishes, and fabrics, and ensures fit, form, and function; and is responsible for obtaining and maintaining approvals from product testing labor laboratories.

Under direction of the Branch Manager, Operations Division, the Product Engineering Technician performs mechanical design, layout and prototypes of new and existing products and other engineering related functions as required.

Designs, develops, and fabricates prototypes in both wood and metal institutional furniture products; performs mechanical design layouts using Computer-Aided-Design software; prepares and checks production drawings for final approval. Updates and maintains product designs, specifications and engineering drawings; assists Student Assistants and Vocational Inmates in mechanical drafting and product specifications; maintains engineering electronic files; prepares project status reports. Prepares cost estimates and assists in budget preparations.

MINIMUM QUALIFICATIONS

10. What are the proposed or current minimum qualifications of the subject classes, and why are they appropriate? (Include inside and outside expertise patterns.)

Both class specifications will be changed to reflect the former Prison Industry Authority (PIA's) name change to California Prison Industry Authority (CALPIA) as well as the former California Department of Corrections name to California Department of Corrections and Rehabilitation. The reference to Affirmative Action will be changed to Equal Employment Opportunity.

Associate Product Engineer, Prison Industries:

The minimum qualifications of Pattern I of the APE class will be reduced to 2 years of experience as a PET. Pattern II experience will eliminate the "furniture design or engineering" experience which is difficult to find when recruiting qualified applicants. The specification under "Definition" would include lead and train "PET's, and Student Assistants" as well as inmate technicians since this was omitted from the original specification. Under "Tasks" it would include the engineering of plastic products as well.

Product Engineering Technician, Prison Industries:

The proposed change to the PET specification would reduce the minimum qualifications to 1 year of experience in the drafting or design of wood, metal or plastic products using computer aided drafting and design methods and equivalent to graduation from college with major course work in Mechanical Engineering. (Additional qualifying experience may be substituted for not more than 2 years of the required education on a year-for-year basis. This will enable Student Assistants, who perform the same duties as a PET, as well as candidates who have the required experience, to meet the MQs for entrance into the PET examination.

PROBATIONARY PERIOD

11. If a probationary period other than six months is proposed, what is the rationale?

The probationary period for the PET class will remain 6-months. The APE class will continue to have a 12-month probationary period.

STATUS CONSIDERATIONS

12. What is the impact on current incumbents?

There is no impact to current incumbents.

13. *Will current employees move by examination, transfer, reallocation, split-off, etc? Explain rationale.*

Current incumbents are not impacted by this proposal.

14. *In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.*

No other consultation

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

Schematic Code: RA30
Class Code: 7162
Established: 3/20/84
Revised: --
Title Changed: --

PRODUCT ENGINEERING TECHNICIAN, PRISON INDUSTRIES

DEFINITION

Under direction, to prepare and to supervise the preparation of drawings for metal, ~~and~~ wood, and plastic products to be produced by the California Prison Industry Authority; to do design and design checking of complex layouts and detail drafting; to supervise and train a group of inmate drafting persons and technicians; to maintain order and supervise the conduct of inmates and protect and maintain the safety of persons and property. The Product Engineering Technician may be called upon to assume general custody responsibilities in time of emergency.

TYPICAL TASKS

Prepare and supervise the preparation of drawings for metal, ~~and~~ wood, and plastic products; check the drawings for accuracy and completeness; train inmates in drafting techniques for products such as metal or wood office furniture, cabinets, lockers, cell furniture, and tubular furniture; train inmates in drafting techniques for dies, tools, and jigs to aid the manufacturing operation; update, maintain, and control drawing files and related files in an orderly manner to permit quick and simple access to all drawings; assure the accuracy as needed; make recommendations on new product designs and for improvement of existing designs; acquire a working knowledge of the California Prison Industry Authority wood and metal products manufacturing operations and the machinery used; functionally direct prototype work; maintain order and supervise the conduct of persons committed to the Department of Corrections and Rehabilitation; prevent escapes and injury by these persons to themselves or others or to property; maintain security of working areas and work materials; inspect and search inmates for contraband, such as weapons or illegal drugs; and to do other related work.

MINIMUM QUALIFICATIONS

Experience: ~~Three years of product drafting and design work in a wood or metal products manufacturing enterprise in wood or metal office furniture production~~ One year of experience in the drafting or design of wood, metal, or plastic products using computer-aided drafting and design methods. and

Education: ~~Equivalent to the completion of a two year terminal~~

~~curriculum in mechanical drafting at a community college or completion of the sophomore year of a professional mechanical engineering curriculum in a college or university of recognized standing. (Candidates may substitute mechanical drafting experience for the required education on the basis that one and one half years of experience are equivalent to one year of education.)~~ graduation from college with major course work in Mechanical Engineering. (Additional qualifying experience may be substituted for not more than two years of the required education on a year-for-year basis.)

KNOWLEDGE AND ABILITIES

Knowledge of: Design of metal, ~~or~~ wood, or plastic products and dies, tools, and jigs used in their manufacture; methods of metal or wood products fabrication and the machinery involved; the reaction of metal or wood in the manufacturing process such as sheet metal bend allowances and the joining of steel or the joining of wood; drafting symbols; crafting presentation; projection models; mechanical properties of steel or hard and soft woods; strength of materials; engineering mathematics; and mechanical theory and practice.

Ability to: Prepare neat and accurate product drawings; function with a minimum of direct supervision; prepare drawings from design notes and sketches; supervise and train inmates in the fundamentals of mechanical drafting and motivate them to produce accurate and neat drawings at a pace commensurate with private industry; specify and estimate products and components; interpret all drawings, plans, and specifications of products; work with the institution managers and factory personnel in a cooperative effort and maintain relationships that will lead to achieving the goals of the California Prison Industry Authority; and plan, organize, and maintain an accurate filing and numerical system for drawings and specifications.

SPECIAL PERSONAL CHARACTERISTICS

Tact, patience, and the ability to work with persons confined in a correctional facility.

SPECIAL PHYSICAL CHARACTERISTICS

Persons appointed to positions in this class must be reasonably expected to have and maintain sufficient strength, agility, and endurance to perform during stressful (physical, mental, and emotional) situations encountered on the job without compromising their health and well-being or that of their fellow employees or that of inmates. Assignments during tour of duty may include sole responsibility for the supervision of inmates and/or the protection of personal and real property.

ADDITIONAL DESIRABLE QUALIFICATIONS

Supervision and assertiveness.

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

Schematic Code: RA55
Class Code: 7114
Established: 4/21/98
Revised: --
Title Changed: --

ASSOCIATE PRODUCT ENGINEER, PRISON INDUSTRIES

DEFINITION

Under direction, to prepare and/or lead the development of the most difficult product and component designs and the engineering of wood, ~~and metal, and plastic~~ products and product lines; review product and testing specifications and coordinate product testing; lead and train Product Engineering Technicians, Student Assistants, and inmate technicians; maintain order and direct the conduct of inmates; and protect and maintain the safety of persons and property. The Associate Product Engineer, Prison Industries, may be called upon to assume general custody responsibilities in time of emergency; and do other related work.

TYPICAL TASKS

Engineers and coordinates the engineering of metal, ~~and wood, and plastic~~ furniture products and product lines; acts in a lead capacity in the design of complex jobs; prepares and oversees the preparation of shop drawings; consults with production specialists to coordinate engineering specifications with production capability; evaluates product quality and improvements; researches new materials and manufacturing and finishing techniques and value engineers products; maintains electronic drafting systems and files; monitors design trends, and consults with marketing on product and furniture system designs, finishes, and fabrics; and is responsible for obtaining and maintaining approvals from product testing laboratories.

MINIMUM QUALIFICATIONS

Experience: ~~Three~~ Two years of experience in the California state service performing the duties of a Product Engineering Technician, Prison Industries, in the area of ~~metal and wood product~~ wood, metal, or plastic design. and

Education: Equivalent to graduation from college with major work in Mechanical Engineering. (Additional qualifying experience may be substituted for not more than two years of the required education on a ~~one to one~~ year-for-year basis.)

Or II

Experience: Three years of ~~wood or metal furniture design or engineering~~ experience in the design, drafting, or engineering of wood, metal, or plastic products using computer-aided drafting and design methods. and

Education: Equivalent to graduation from college with major work in Mechanical Engineering. (Additional qualifying experience may be substituted for not more than two years of the required education on a ~~one to one~~ year-for-year basis.)

KNOWLEDGE AND ABILITIES

Knowledge of: Mechanical engineering and wood, ~~and~~ metal, and plastic product design and drafting principles; the mechanics of material, tool/fixture design, metal and wood manufacturing including the joining of wood and metal, and the machinery involved; and engineering mathematics and mechanical theory and practice.

Ability to: Prepare complex drawings using computer-aided drafting and design; research and develop alternative designs, materials, and manufacturing processes; analyze and evaluate cost-effective production alternatives; consult with supervisory and management staff at various levels of both the private and public sector; and communicate effectively.

SPECIAL PERSONAL CHARACTERISTICS

Tact, patience, and the ability to communicate effectively with various production and correctional staff, as well as management.

Persons appointed to positions in this class must be reasonably expected to have and maintain sufficient strength, agility, and endurance to perform during stressful (physical, mental, and emotional) situations encountered on the job without compromising their health and well-being or that of inmates. Assignments during tour of duty may include sole responsibility for the supervision of inmates and/or the protection of personal and real property.

ADDITIONAL DESIRABLE QUALIFICATION

Knowledge of Underwriter Laboratory testing process.

ccd/sks

DEPARTMENT OF PERSONNEL ADMINISTRATION**CLASSIFICATION AND COMPENSATION DIVISION**

1515 "S" STREET, NORTH BUILDING, SUITE 400
SACRAMENTO, CA 95814-7243



DATE: December 16, 2008

TO: STATE PERSONNEL BOARD

FROM: DANIEL TOKUNAGA
Department of Personnel Administration

REVIEWED BY: BELINDA COLLINS
Department of Personnel Administration

SUBJECT: The Department of Industrial Relations requests and staff concurs that the MINIMUM QUALIFICATIONS for the classes of DEPUTY LABOR COMMISSIONER I, II, III, and IV be revised.

SUMMARY OF ISSUES:

The Department of Industrial Relations is requesting changes to the minimum qualifications of the above cited classes in order to improve and expand the candidate pool. Minor updates and clarifications to the series specification including updates to the class of Assistant Chief, Division of Labor Standards Enforcement are also made.

CONSULTED WITH:

Ann Rose, Classification Manager, Department of Industrial Relations
Pat Chestnut, Personnel Officer, Department of Industrial Relations
Jackie Sanders, Labor Relations Officer, Department of Personnel Administration
Kit Syn, Executive Director, California Attorneys, Administrative Law Judges and Hearing Officers in State Employment

In accordance with the terms of the DPA/ California Attorneys, Administrative Law Judges and Hearing Officers in State Employment contract, the Department of Personnel Administration has notified the union in writing of this proposal.

CLASSIFICATION CONSIDERATIONS:

See Attached.

RECOMMENDATIONS:

That the proposed revised specification for the classes of Deputy Labor Commissioner I, II, III, and IV and Assistant Chief, Division of Labor Standards Enforcement appearing in the consolidated Labor Standards enforcement series specification shown in the current calendar be adopted.

B. CLASSIFICATION CONSIDERATIONS

Instructions: Complete only if Concept (Part A) approved by DPA. Include headings (Background, Classification Considerations, etc.) if using additional paper. Only complete applicable questions (i.e., provide enough information to support the proposal). Respond to each of these questions and return with signed-off transmittal to your DPA and SPB Analysts.

BACKGROUND

1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.

The Division of Labor Standards Enforcement in the Department of Industrial Relations enforces State labor laws not under the jurisdiction of other governmental authorities. The Division also enforces orders of the Industrial Welfare Commission. Positions in the classes in the Deputy Labor Commissioner series conduct and direct investigations and hold investigatory hearings to determine compliance with, and to resolve disputes arising under State labor laws and Industrial Welfare Commission orders. Incumbents assess and collect civil penalties and initiate civil or criminal actions as necessary. Positions in higher level classes in the series have supervisory and management responsibilities over staff and programs of the Division of Labor Standards Enforcement.

In February 2003, Department of Industrial Relations (DIR) completed a Classification Study for Deputy Labor Commissioner I and Deputy Labor Commissioner II in the Division of Labor Standards Enforcement (DLSE). This study identified a problem in promoting Deputy Labor Commissioner I's with superior program knowledge in specialized programs to the Deputy Labor Commissioner II, or Hearing Officer, class. The study proposed two separate DLC II classifications with separate testing and recruitment. However, DLSE chose to address the problem by providing additional training that would allow Deputy Labor Commissioner I's with special program knowledge to gain entry to the Deputy Labor Commissioner II class.

In December 2004, DIR completed a Job Analysis for Deputy Labor Commissioner I (DLC I). The analysis identified knowledge/skill/abilities (KSAs) appropriate for all of the DLC I assignments in DLSE. The analysis determined which KSAs are essential and needed upon entry to the job as opposed to being developed during training or job experience. In measuring the relationship between possession of a KSA and overall satisfactory job performance, the analysis showed that knowledge of state labor laws and DLSE enforcement policies and procedures are not essential upon entry for overall satisfactory job performance as a DLC I.

While the December 2004 Job Analysis has allowed DLSE to improve its selection plan and selection procedures, there remains significant difficulty in recruiting candidates that meet the DLC I Minimum Qualifications. The current Minimum Qualifications for DLC I, require general work experience in labor relations or in the investigation and settlement of complaints regarding violation of State or Federal labor laws or regulations. However, many candidates do not possess the requisite experience enforcing state or federal labor laws. Attached for review is a Hiring Data Report for DLC I exams conducted since February, 2000. These hiring statistics show that out of 848 applications received only 278 (32.8%) meet the Minimum Qualification for the class.

In order to improve recruitment, DLSE requests to broaden the DLC I Minimum Qualifications to allow individuals with experience enforcing laws not limited to State or Federal labor laws, and individuals with private sector labor/management and investigative experience entrance into the DLC I examination. In addition, in an effort to increase the DLC I candidate base, DLSE requests to reduce the number of years of experience necessary to meet the open pattern Minimum Qualifications for entry into the DLC I examination.

B. CLASSIFICATION CONSIDERATIONS

2. What classification(s) does the subject class(es) report to?

Deputy Labor Commissioners I and II report to Senior Deputies at the Deputy Labor Commissioner III level, who report to Regional Managers at the Deputy Labor Commissioner IV level, who report to the Assistant Chief level in the Division of Labor Standards Enforcement. The Assistant Chiefs report to both the Deputy Chief and the State Labor Commissioner (a Governor's Appointee) who are under the Office of the Director appointing authority within the Department of Industrial Relations.

3. Will the subject class(es) supervise? If so, what class(es)?

Deputy Labor Commissioners III and IV are both supervisory classes. Incumbents supervise professionals in the classes of Deputy Labor Commissioner I and II.

4. What are the specific duties of the subject class(es)?

The DLC I is a full journey level class in the DLC series used throughout DLSE (wage claim offices, bureau of field enforcement, public works units, licensing and registration units, and retaliation and complaint investigations units). A DLC I processes wage claims, gathers facts, holds conferences, analyzes information, makes appropriate decisions; plans and conducts field investigations, including interviews, inspections, and payroll audits. The DLC II is a full journey level class in the DLC series that specializes in holding investigatory hearings on claims for wages and benefits and other issues involving violations of various labor laws and regulations, including various discrimination complaints and appeals from citations assessing civil penalties for violation of various labor code sections. The DLC III is the first supervisory class in the DLC series. In addition to performing the DLC I and DLC II duties, the DLC III has supervisory and management responsibilities over staff and programs of the Division of Labor Standards Enforcement.

5. What is the decision-making responsibility of the subject class(es)?

Incumbents in the DLC I and DLC II classes conduct investigations, hearings and conferences independently, and determine the extent of compliance with, and resolve disputes arising under, State labor laws and Industrial Welfare Commission orders. DLC II's or Hearing Officers make decisions deemed to be final orders of the Labor Commissioner that are entered as judgments in court. In addition to performing the DLC I and DLC II duties, the DLC III has supervisory and management responsibilities over staff and programs of the Division of Labor Standards Enforcement. A DLC III plans and organizes, directs and coordinates the work of a district office, and determines the need for, recommends and justifies new positions.

6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)

The consequences of error would be the inconsistent enforcement of State labor laws and Industrial Welfare Commission orders affecting the wages, hours, employment terms and conditions of employees throughout the State.

7. What are the analytical requirements expected of incumbents in the subject class(es)?

Incumbents must be able to determine what information and evidence is needed to conduct investigations and hearings, to assess the reliability and relevance of such information and evidence and to draw logical conclusions to determine whether there has been one or more violations of labor law and/or Industrial Welfare Commission rules. Furthermore, incumbents must determine civil penalties, whether to file civil or criminal actions, and what evidence will be required to support such actions.

B. CLASSIFICATION CONSIDERATIONS

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

For purposes of gathering information and evidence and hearing testimony, incumbents would regularly be in contact with employees with varying levels of sophistication, labor representatives, management representatives and attorneys representing both labor and management interests.

NEED FOR NEW CLASS (if necessary)

9. For New classes only: what existing classes were considered and why were they not appropriate?

Not Applicable.

MINIMUM QUALIFICATIONS

10. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns.)

The current and proposed Minimum Qualifications are shown in strike out and bold on the proposed revised series specification attachment to this form. The proposed changes are necessary to allow consideration of more applicants from outside the department, whose labor/management and investigative/dispute resolution experience would broaden the perspective of the staff and benefit the investigatory and formal hearing responsibilities of the program. The changes include:

- Expanding the types of investigative and complaint settlement experience that will qualify applicants for admission to examinations. The current MQ limiting such experience to that acquired in connection with labor laws and regulations precludes the department from considering individuals who have acquired strong investigative skills that are transferable to the labor law setting from experience in other disciplines.
- Reducing by one year the amount of specified experience required performing the duties of a Special Investigator I in the open MQ pattern of DLC I for entry into the examination. The Special Investigator I (Range B) and the DLC I are journey level classifications with substantially the same salary and duties. Therefore, experience of one year as a Special Investigator I in range B is sufficient and appropriate for entry into the DLC I examination.
- Reducing by two years the amount of general experience required in the open MQ pattern of DLC I for entry into the examination. In the judgment of program administrators, the type of experience is more important than the length of such experience in determining who gets to compete in the examination, and the current amount of experience required of outside competitors is beyond what is logically necessary to be admitted to the examination. The Job Analysis conducted for DLC I in December 2004 specifically identifies important knowledge, skills and abilities (KSAs) determined to be essential to perform satisfactorily in this classification. Possession of these specific KSAs are more critical and relevant to the DLC I work than the length of work experience a candidate brings into the classification. This change also reduces the amount of experience required for those applicants substituting additional experience for college-level education.
- Eliminating the need for experience in the practice of law in addition to graduation from law school. The knowledge of law acquired through completion of the requirements for a law degree is sufficient to perform the work assigned incumbents in the class of Deputy Labor Commissioner I.
- Finally, editorial changes are proposed to assist in the application review process for classes in the series.

B. CLASSIFICATION CONSIDERATIONS

PROBATIONARY PERIOD

X 12 Months

11. If a probationary period other than six months is proposed, what is the rationale?

Deputy Labor Commissioner I, Deputy Labor Commissioner III, Deputy Labor Commissioner IV, and Assistant Chief currently require a probationary period of 12 months. The Deputy Labor Commissioner II currently requires a probationary period of 6 months. No change is being proposed in probationary periods.

STATUS CONSIDERATIONS (see additional information in Part D).

12. What is the impact on current incumbents?

There is no impact on current incumbents.

13. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain rationale.

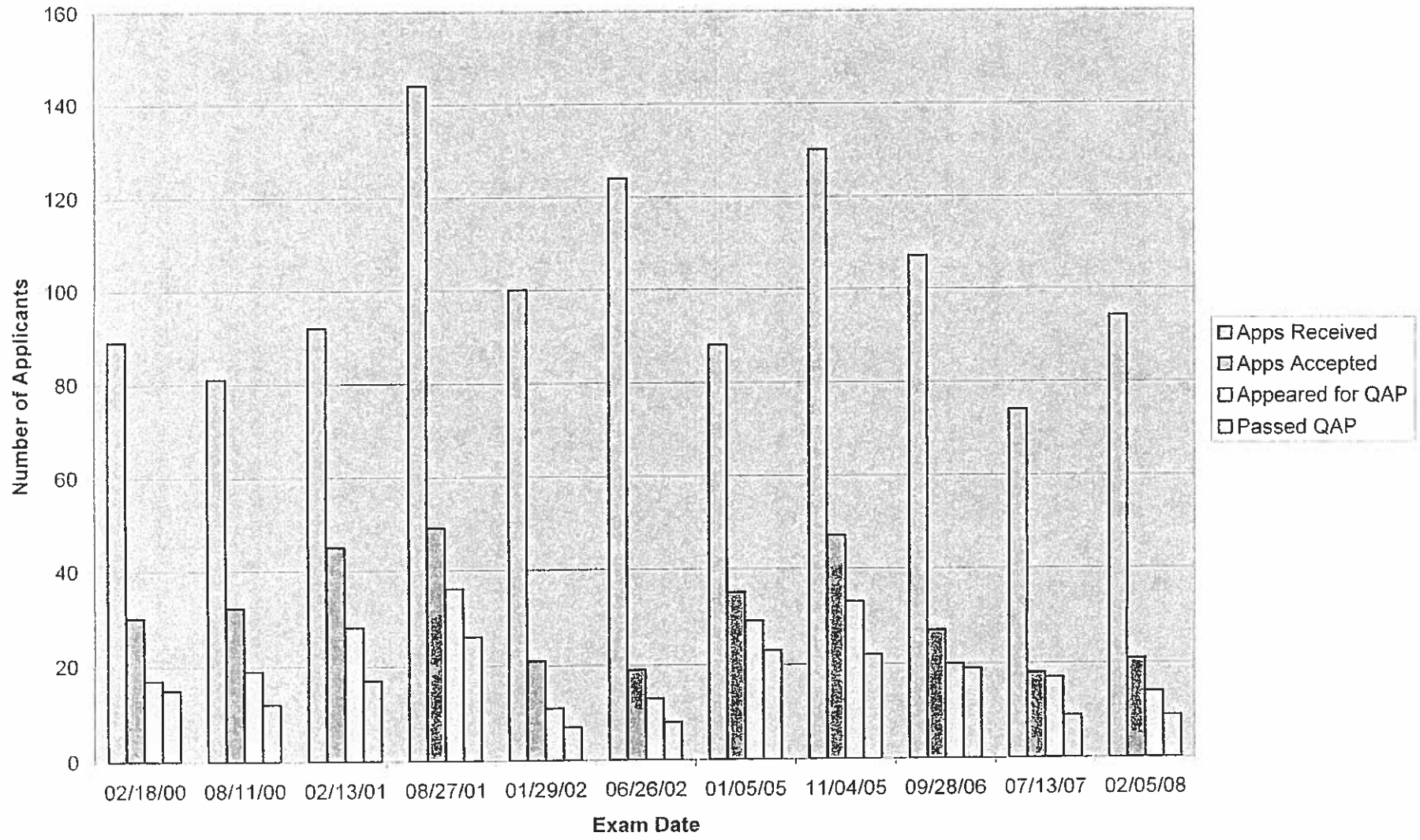
Not applicable.

CONSULTED WITH

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

Warren Schwegel, Consultant, Cooperative Personnel Services, in 2000.

Hiring Report Data Deputy Labor Commissioner I



| Hiring Report Data | | | | |
|-----------------------------|------------------|------------------|---------------------|---------------|
| Deputy Labor Commissioner I | | | | |
| Exam Date | Apps Received | Apps Accepted | Appeared for QAP | Passed QAP |
| 02/18/00 | 89 | 30 | 17 | 15 |
| 08/11/00 | 81 | 32 | 19 | 12 |
| 02/13/01 | 92 | 45 | 28 | 17 |
| 08/27/01 | 144 | 49 | 36 | 26 |
| 01/29/02 | 100 | 21 | 11 | 7 |
| 06/26/02 | 124 | 19 | 13 | 8 |
| 01/05/05 | 88 | 35 | 29 | 23 |
| 11/04/05 | 130 | 47 | 33 | 22 |
| 09/28/06 | 107 | 27 | 20 | 19 |
| 07/13/07 | 74 | 18 | 17 | 9 |
| 02/05/08 | 94 | 21 | 14 | 9 |
| TOTALS | 1123 | 344 | 237 | 167 |

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

LABOR STANDARDS ENFORCEMENT

Series Specification

(Established January 19, 1977)

SCOPE

This series specification describes five classes in the specialized field of labor standards enforcement.

| Schem Code | Class Code | Class |
|---------------|---------------|--|
| WQ20 | 9502 | Deputy Labor Commissioner I |
| WQ22 | 9536 | Deputy Labor Commissioner II |
| WQ15 | 9504 | Deputy Labor Commissioner III |
| WQ10 | 9499 | Deputy Labor Commissioner IV |
| WQ04 | 9538 | Assistant Chief, Division of Labor Standards Enforcement |

DEFINITION OF SERIES

Classes in this series are involved in the administration and enforcement of the orders of the Industrial Welfare Commission and State labor laws not specifically under the jurisdiction of other governmental authorities.

~~Note: The Labor Standards Investigator class also performs labor standards enforcement duties. This is a Peace Officer class.~~

DEFINITION OF LEVELS

DEPUTY LABOR COMMISSIONER I

Holds investigatory hearings, examines witnesses, takes affidavits, collects other evidence, makes and directs investigations to determine the extent of compliance with, and to resolve disputes arising under State labor laws and Industrial Welfare Commission orders; assesses and collects civil penalties, or initiates civil or criminal action; files various court actions and legal documents; meets with employers and employees and their representatives to advise them of, and to secure compliance with, requirements; inspects places of employment and employers' records to determine the extent of compliance with the provisions of the Labor Code and Orders of the Industrial Welfare Commission. This is the professional journey level.

DEPUTY LABOR COMMISSIONER II

In addition to the above, holds hearings on CAL/OSHA discrimination complaints, or appeals from citations assessing civil penalties for violations of child labor laws, and on claims for wages and benefits; makes decisions deemed to be final orders of the Labor Commissioner that are entered as judgments in Superior Court; may act as Deputy in Charge of a small office.

DEPUTY LABOR COMMISSIONER III

In addition to the duties described above, plans, organizes, directs and coordinates the work of a district office; may administer a special statewide program of the division; participates in selection and training of staff; makes equitable case load assignments; evaluates staff performance and takes or recommends appropriate action; interprets and applies divisional administrative policies; determines the need for, recommends and justifies new positions, additional equipment and space requirements. This is the first full supervisory level.

DEPUTY LABOR COMMISSIONER IV

In addition to the duties described above, plans, organizes and directs the work of a group of district offices in a major geographical area; or may work directly under the Chief or Assistant Chief in the performance of a special statewide assignment; interprets and applies division administrative policies and coordinates and evaluates area activities to insure uniform application of those policies; provides direction and consultation to subordinate staff in the handling of difficult and sensitive cases; responsible for selection and training of personnel; evaluates performance and tasks or recommends appropriate action. This is the second supervisory level.

ASSISTANT CHIEF, DIVISION OF LABOR STANDARDS ENFORCEMENT

Assists in the administration of the work of the division by planning and directing the staff services and technical support functions of the division; evaluates program needs; assists the Chief in the evaluation, development and implementation of program policies and procedures in relation to Industrial Welfare Orders; assists in the analysis of proposed legislation and advises the Chief of the need for or the effect of proposed legislation on the program of the division; may act for the Chief in the latter's absence or as directed.

MINIMUM QUALIFICATIONS

ALL LEVELS:

Education Requirement: The following education is required when general experience is used to qualify at any level:

Education: Equivalent to graduation from college, preferably with emphasis in economics, industrial relations, agribusiness, sociology or other social sciences or business administration. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

Either I

Experience must have been in the California state service.

Or II

General Experience Requirement: Experience must have been acquired in one or a combination of the following types of ~~labor relations~~ work, one year of which must have been within the last ~~five~~ **ten** years:

1. Industrial relations management, labor relations, or reconciling grievances;
or
2. Negotiation or preparation of labor agreements, or interpretation and settlement of grievances arising under labor agreements **including conciliation, mediation, or arbitration of disputes**; or
3. Professional level work in the investigation and/or settlement of complaints regarding violation of State or Federal ~~labor~~ laws or regulations.

DEPUTY LABOR COMMISSIONER I

Either I

Experience: One year of experience in the California state service performing the duties of an Industrial Relations Representative, Range C; or

~~Two years~~ **One year** of experience in the California state service performing the duties of a ~~Senior~~ Special Investigator **I**

Or II

Experience: ~~Three years~~ **One year** of the above-described general experience.

Or III

~~Experience~~ **Education:** ~~Two years of experience in the practices of law, including one year with specialization in labor law and active membership in The State Bar of California.~~ **Graduation from law school.**

DEPUTY LABOR COMMISSIONER II

Either I

Experience: One year of experience in the California state service performing the duties of the class of Deputy Labor Commissioner I or Labor Standards Investigator/**Senior Special Investigator.**

Or II

Experience: Four years of the above-described general experience.

DEPUTY LABOR COMMISSIONER III

Either I

Experience: One year of experience in the California state service performing the duties of the class of Deputy Labor Commissioner II; or

Two years of experience in the California state service performing the duties of the class of Deputy Labor Commissioner I, or Labor Standards Investigator/**Senior Special Investigator.**

Or II

Experience: Four years of the above-described general experience, at least one of which shall have been in a supervisory capacity.

DEPUTY LABOR COMMISSIONER IV

Either I

Experience: One year of experience in the California state service performing the duties of the class of Deputy Labor Commissioner III; or

Two years of experience in the California state service performing the duties of the class of Deputy Labor Commissioner II; or

Three years of experience in the California state service performing the duties of a class of Deputy Labor Commissioner I or Labor Standards Investigator/**Senior Special Investigator**.

Or II

Experience: Five years of the above-described general experience, at least one of which shall have been in a supervisory capacity.

ASSISTANT CHIEF, DIVISION OF LABOR STANDARDS ENFORCEMENT

Either I

Experience: One year of experience in the California state service performing the duties of Deputy Labor Commissioner IV; or

Two years of experience in the California state service performing the duties of the class of Deputy Labor Commissioner III; or

Three years of experience in the California state service performing the duties of the class of Deputy Labor Commissioner II.

Or II

Experience: Five years of broad and extensive general experience of the type described above, three years of which shall have been in an administrative or supervisory capacity.

KNOWLEDGE AND ABILITIES

DEPUTY LABOR COMMISSIONER I

Knowledge of: State and related Federal labor laws; orders of the Industrial Welfare Commission; principles, practices, and terminology of labor relations work; purposes, organizations and trends of employee and employer organizations; terminology used in various occupations; labor and employment conditions and trends in California; industrial occupations and their requirements and employment procedures; the law of contracts as it applies to the field of labor relations; court procedure and rules of evidence.

Ability to: Interpret and apply State and related Federal labor laws, and orders of the Industrial Welfare Commission; analyze testimony and other types of evidence and draw correct conclusions; hold investigatory hearings and resolve disputes; deal tactfully, effectively, and impartially with employers; conduct difficult and involved investigations of alleged violations of labor laws and Industrial Welfare Commission orders; deal with law enforcement problems tactfully but effectively; analyze situations accurately and take effective action; analyze data; speak and write effectively.

DEPUTY LABOR COMMISSIONER II

Knowledge of: All of the above, and principles and theories of administrative law and judicial review of administrative actions; legal terms and forms in common use.

Ability to: All of the above, and make accurate summaries of evidence, prepare reasons for decisions, orders, or awards, and make findings based on such facts; conduct fair and impartial hearings in a manner that will obtain all pertinent evidence and win the confidence and respect of the parties; direct the work of a small office.

DEPUTY LABOR COMMISSIONER III

Knowledge of: All of the above, and **programs**, policies and procedures of the Division of Labor Standards Enforcement and the Department of Industrial Relations; principles of personnel management, training and supervision; ~~the Department's Affirmative Action Program objectives; a manager's role in the Affirmative Action Program, and the processes available to meet affirmative action objectives~~ **and a manager's/supervisor's responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.**

Ability to: All of the above, and plan, organize, direct and coordinate the work of others; interpret and apply established policies and procedures of the Division of Labor Standards Enforcement and the Department of Industrial Relations ~~effectively contribute to the Department's affirmative action objectives ;~~ **and effectively promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment.**

DEPUTY LABOR COMMISSIONER IV

Knowledge of: All of the above, and programs of the Division of Labor Standards Enforcement and the Department of Industrial Relations; principles and practices of public administration; ~~a manager's role in the Affirmative Action Program, and the processes available to meet affirmative action objectives~~ **manager's/supervisor's responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.**

Ability to: All of the above, and plan and administer field or headquarters elements of an enforcement program.

ASSISTANT CHIEF, DIVISION OF LABOR STANDARDS ENFORCEMENT

Knowledge of: All of the above, and budget preparation and control; administrative survey techniques and their application; fundamentals of report preparation on data processing equipment.

Ability to: All of the above, and develop and administer a division-wide program-oriented management information system; evaluate program needs; evaluate, develop and implement program policies and procedures of the Division of Labor Standards Enforcement and the Department of Industrial Relations; prepare and edit public information and education material; establish and maintain effective and cooperative relations with those contacted in the course of the work; develop and implement creative and unique methods and procedures for improved management; ~~effectively contribute to the Commission's affirmative action objectives~~ **promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment.**

SPECIAL PERSONAL CHARACTERISTICS

ALL LEVELS:

A sympathetic understanding of labor problems; sound judgment; reliability; impartiality; tact; firmness; patience; neat personal appearance; willingness to travel and work irregular hours.

CLASS HISTORY

| Class | Date Established | Date Revised | Title Changed |
|---|---------------------|-----------------|------------------|
| Deputy Labor Commissioner I | 1931 | 7/7/86 | 1/19/77 |
| Deputy Labor Commissioner II | 1/19/77 | 7/7/86 | -- |
| Deputy Labor Commissioner III | 1/10/69 | 7/7/86 | 1/19/77 |
| Deputy Labor Commissioner IV | 1931 | 7/7/86 | 1/19/77 |
| Assistant Chief, Division of Labor Standards Enforcement | 1/19/77 | 7/7/86 | -- |